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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,779	05/11/2006	Cosetta Schiavolini	SHIM0101 PUSA	6579
22045 7590 07/21/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER PHAN, THANH S				
ART UNIT 2833		PAPER NUMBER		
MAIL DATE 07/21/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/595,779

Applicant(s)

SCHIAVOLINI, COSETTA

Examiner

Thanh S. Phan

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lederrey [US 4,473,306] in view of Gyger et al. [US 2006/0039244].

Regarding claim 1, Lederrey discloses a wristwatch case contains a crystal [1] in which there is formed a three-dimensional decorator [16].

Lederrey discloses the claimed invention except for the crystal includes at least one portion having a minimum thickness of 3.5 mm.

Gyger et al. teaches for a watch crystal/glass a typical thickness of the fiber optic plates used varies from 1mm to 5mm [para [0029]], wherein the fiber optic plates are cut to the desired thickness and shapes [para [0028], lines 10-11].

Since Lederrey and Gyger et al. are both from the same field of endeavor, the purpose disclosed by Gyger et al. would have been recognized in the pertinent art of Lederrey.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the desired minimum thickness of 3.5 mm as taught by

Gyger et al. with the crystal of Lederrey so that the information can appear at the top surface of acceptable clarity [Gyger et al. para [0030]].

Regarding claim 2, Lederrey and Gyger et al. disclose the claimed invention except for the three-dimensional decoration is an internal laser engraving. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 3, Lederrey and Gyger et al. disclose the claimed invention except for the three-dimensional decoration consists of at least one decorative item enclosed in the crystal upon mould casting. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claims 4 and 5, Lederrey and Gyger et al. disclose the claimed invention except for the three-dimensional decoration is printed and mould casting. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, these limitations has not been given patentable weight.

Regarding claim 6, Lederrey and Gyger et al. disclose the claimed invention. Lederrey further discloses that the decoration includes hour indicators [column 6, lines 23-26].

Regarding claims 7 and 8, Lederrey and Gyger et al. disclose the claimed invention. Gyger et al. further disclose that the crystal can be shaped to obtain the desired shapes [para [0028], lines 12-15].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the crystal in the specified shape(s) for the purpose of giving the watch a desired aesthetic appearance.

Regarding claim 9, Lederrey and Gyger et al. disclose the claimed invention. Gyger et al. further disclose wherein crystal is provided with a particular shaping along the bottom edge thereof on the bottom, so that it can be removably mounted in the case of a watch [figures 3 and 4].

Regarding claim 10, Lederrey and Gyger et al. both disclose the crystal is for a watch.

Response to Arguments

3. A new office action is hereby issued in light of the Preliminary Amendment filed on 05/11/06.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh S. Phan
AU 2833

/Edwin A. León/
Primary Examiner of AU 2833
for Thanh S. Phan, Examiner of Art Unit 2833